

### REMARKS

In light of the above amendments and following remarks, reconsideration and allowance of this application are respectfully requested.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 2-17, 19-23 and 25-27 and amended claims 1, 18, 24, 28 and 29 are in this application.

At paragraph 1 of the outstanding Office Action of June 4, 2003, the Examiner rejected claims 1-29 under 35 U.S.C. §102(e) as being anticipated by Alexander (U.S. Patent Application 2002/0030683). Applicants respectfully traverse the rejection.

Amended independent claim 1, recites in part, “An oscilloscope apparatus, comprising...a user interface for selecting an object, said display displaying **only the most common choices of said toolbar corresponding to the selected object, the selected object being defined as the source for the various features of the toolbar.**” (Underlining and Bold added for emphasis.)

It is respectfully submitted that the reference relied upon by the Examiner does not teach the above-recited feature of amended independent claim 1.

At page 6, lines 13-23 of the present specification it states that the user selects an object and the system then displays on a toolbar the most common features that are associated

with the selected object. Furthermore, when a user selects a further item from the displayed toolbar after having selected a particular object, the system automatically defines the object as the source for the selected item. Therefore, selecting an icon from the toolbar will cause a function item associated with the icon to be implemented, using the selected object as the data source, or object to be acted upon. In other words, not only is the toolbar specific for the type of selected item displayed, but the items in the toolbar apply only to the specific instance of the selected type of object and as a result the selected object becomes the source of operation implemented by a selection on the toolbar. Therefore amended independent claim 1 is believed to be distinguishable from Alexander.

For reasons similar to those described above with regard to amended independent claim 1, amended independent claims 18, 24, 28 and 29 are also believed to be distinguishable from Alexander.

Furthermore, applicants submit that claims 2-17, 19-23 and 25-27 depend, either directly or indirectly, from one of amended independent claims 1, 18, 24, 28 and 29, and are therefore distinguishable for this reason alone.

Applicants therefore respectfully request that the rejection of claims 1-29 under 35 U.S.C. §102(e) be withdrawn.

The Examiner has made of record, but not applied, several U.S. patents. The Applicants appreciate the Examiner's explicit finding that these references, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the applicants undersigned attorney and, in

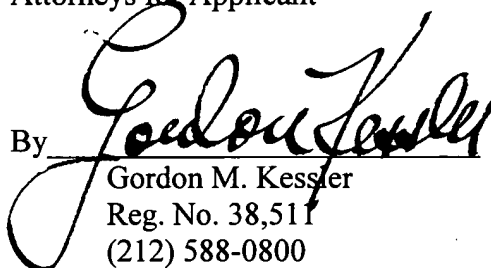
the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where in the reference, there is a basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant

By

  
Gordon M. Kessler  
Reg. No. 38,511  
(212) 588-0800